

## LANKLER SIFFERT &amp; WOHL LLP

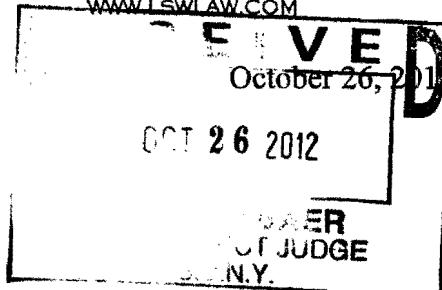
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BY FACSIMILE

Honorable Harold Baer, Jr.  
 United States District Judge  
 United States District Court  
 500 Pearl Street  
 New York, NY 10007



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Re: United States v. Carollo, et al., 10 Cr. 654 (HB)

Dear Judge Baer:

We write on behalf of Steven Goldberg to request that the Court extend Mr. Goldberg's surrender date and to request that the Court correct a clerical error in Mr. Goldberg's judgment regarding the Court's recommendation to the Bureau of Prisons ("BOP").

Mr. Goldberg's 50<sup>th</sup> birthday is November 27, 2012. We respectfully ask that the Court extend Mr. Goldberg's surrender date from November 26 to November 28, 2012 to allow him to celebrate his birthday with his family.

With regard to the Court's recommendation to the BOP, at the October 18, 2012 sentencing hearing, we requested that the Court recommend that Mr. Goldberg be designated to the "federal prison camp" in Schuylkill, and the Court agreed to "recommend Schuylkill." Tr. 59. The judgment entered on October 25, 2012, however, states that the Court recommends incarceration at "FCI" Schuylkill, Pennsylvania. Judgment at 2. Our understanding is that the minimum security federal prison camp at Schuylkill, Pennsylvania is called "FPC Schuylkill," while the medium security facility at that location is called "FCI Schuylkill."

Accordingly, in order to avoid confusion or misunderstanding, we respectfully request that the Court correct Mr. Goldberg's judgment pursuant to Federal Rule of Criminal Procedure 36 to reflect the Court's recommendation that Mr. Goldberg be designated to the federal prison camp in Schuylkill, Pennsylvania, i.e., "FPC Schuylkill." See *United States v. Cherry*, 489 F. Supp. 2d 372, 374 n.1 (S.D.N.Y. 2007) (explaining that the court may correct a clerical error in a judgment to avoid confusion or misunderstanding by the BOP).

*FPC is minimum security facility and not a camp according to our information submitted to the Federal Prison Service. See J.A. Goldberg's letter dated 10/26/12 to the Clerk of the Court. As you well know, see J.A. Goldberg's letter dated 10/26/12 to the Clerk of the Court. Harold Baer, Jr., U.S.D.J.*

cc: A. Counsel

Respectfully submitted,

Daniel M. Gitterman  
 Daniel M. Gitterman  
 Harold Baer, Jr., U.S.D.J.  
 Date: 11/5/12

Endorsement:

FPC is wrong according to our information and the "Federal Prison Guidebooks" but as you will see I spelled it out to take no chances and birthdays count so November 28 is fine.